IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:06CR294
Plaintiff,)
vs.	ORDER
JOSE L. ANGELO-CARDENAS, ALAIN DIAZ-ESPINOSA and ROBERTO VALENZUELA-INZUNZ,)))
Defendants.)

This matter is before the court on the motion to continue by defendant Jose L. Angulo-Cardenas (Angulo-Cardenas) (Filing No. 67). Angulo-Cardenas seeks a continuance of the trial scheduled for February 26, 2007. Angulo-Cardenas' counsel represents that counsel for the government has no objection to the motion. Angulo-Cardenas's counsel represents that Angulo-Cardenas consents to the motion and will file an affidavit in accordance with paragraph 9 of the progression order whereby Angulo-Cardenas consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted and trial will be continued as to all defendants.

IT IS ORDERED:

- 1. Angulo-Cardenas' motion to continue trial (Filing No. 67) is granted.
- 2. Trial of this matter **as to all defendants** is re-scheduled for **March 19, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 12, 2007 and March 19, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 12th day of February, 2007.

BY THE COURT:

s/ Thomas D. ThalkenUnited States Magistrate Judge